

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

GONZALO VALDOVINOS-BLANCO,

Plaintiff,

v.

CV 11-0436 MCA/WPL

LEE VAUGHN, Warden, Cibola County  
Correctional Center,

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED FINDINGS AND  
RECOMMENDED DISPOSITION**

This matter is before the Court on the Magistrate Judge's Proposed Findings and Recommended Disposition (PFRD) (Doc. 52) and Plaintiff Gonzalo Valdovinos-Blanco's response thereto (Doc. 53). Valdovinos-Blanco sought declaratory and injunctive relief from Defendant Lee Vaughn, the warden of Cibola County Correctional Center ("CCCC"), based on Vaughn's refusal to provide a wheelchair ramp in Cibola's shower facilities. (*See* Doc. 32 at 3.) In his PFRD, Magistrate Judge William P. Lynch observed that Valdovinos-Blanco has now been released from CCCC, and he therefore recommended that Valdovinos-Blanco's suit be dismissed as moot. (Doc. 52.)

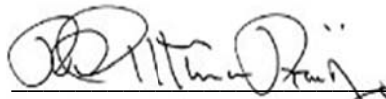
In his response, Valdovinos-Blanco does not raise any objections to the PFRD. Instead, he requests an extension of the deadline to file objections to the PFRD, stating that he is now being detained at an immigration facility. (Doc. 53.) However, I find that such an extension is unnecessary. Valdovinos-Blanco acknowledges that he is no longer incarcerated at CCCC (*id.*), and his *Bivens* claim against Vaughn was specific to the shower facilities at CCCC.

Consequently, there is no way that he could now obtain the declaratory or injunctive relief he sought from Vaughn.

IT IS THEREFORE ORDERED that:

- 1) the PFRD is adopted as an order of the Court;
- 2) summary judgment for Defendant Lee Vaughn is granted;
- 3) Valdovinos-Blanco's request for an extension of time to file objections (Doc. 53) is denied; and
- 4) this case is dismissed as moot.

Dated this 30<sup>th</sup> day of November, 2012.

A handwritten signature in black ink, appearing to read "M. Christina Armiño", is written over a horizontal line.

**M. CHRISTINA ARMIÑO**  
**CHIEF UNITED STATES DISTRICT JUDGE**